

FILED

Encinas v. Tucson Electric Power Co., No. 02-15975

JUN 27 2003

B. FLETCHER, Circuit Judge, dissenting:

CATHY A. CATTERSON

U.S. COURT OF APPEALS

I respectfully dissent. Drawing all inferences in favor of Encinas, the non-moving party, a genuine issue of material fact exists as to whether, as a Mexican, she was disciplined more harshly and discharged for conduct that would not have resulted in such discipline or discharge of non-Mexican employees.